

No. 24-1522 and all consolidated cases: Nos. 24-1623, 24-1624, 24-1626, 24-1627,
24-1628, 24-1631, 24-1633, 24-1634, and 24-1685

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

STATE OF IOWA; STATE OF ARKANSAS; STATE OF IDAHO; STATE OF
MISSOURI; STATE OF MONTANA; STATE OF NEBRASKA; STATE OF
NORTH DAKOTA; STATE OF SOUTH DAKOTA; STATE OF UTAH;
AMERICAN FREE ENTERPRISE CHAMBER OF COMMERCE,

Petitioners,

v.

SECURITIES AND EXCHANGE COMMISSION,

Respondent,

DISTRICT OF COLUMBIA; STATE OF ARIZONA; STATE OF COLORADO;
STATE OF CONNECTICUT; STATE OF DELAWARE; STATE OF HAWAII;
STATE OF ILLINOIS; STATE OF MARYLAND; STATE OF
MASSACHUSETTS; STATE OF MICHIGAN; STATE OF MINNESOTA;
STATE OF NEVADA; STATE OF NEW MEXICO; STATE OF NEW YORK;
STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF VERMONT;
STATE OF WASHINGTON; STATE OF WISCONSIN,

Intervenors.

MOTION FOR BRIEFING SCHEDULE

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Respondent the Securities and Exchange Commission hereby files this proposed briefing schedule to these consolidated petitions for review. Counsel for the parties met and conferred about this proposal. Petitioners in 9 of the 10 petitions and the state intervenors¹ consent to the proposal.² Petitioners in the remaining case object to the proposal and have suggested an alternative briefing schedule, as specified below.

The Commission, the state intervenors, and the petitioners in 9 out of the 10 consolidated cases (Nos. 24-1522 (Iowa, et al.), 24-1623 (NRDC), 24-1624 (Liberty Energy, Inc., et al.), 24-1627 (Louisiana, et al.), 24-1628 (Chamber of Commerce, et al.), 24-1631 (Ohio Bureau of Workers' Compensation, et al.), 24-1633 (Sierra Club, et al.), 24-1634 (West Virginia, et al.), 24-1685 (National Legal and Policy Center, et al.)), jointly propose the following briefing schedule:

¹ State intervenors are the District of Columbia, State of Arizona, State of Colorado, State of Connecticut, State of Delaware, State of Hawaii, State of Illinois, State of Maryland, State of Massachusetts, State of Michigan, State of Minnesota, State of Nevada, State of New Mexico, State of New York, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, and State of Wisconsin. *See* Order, Doc. 5387919, No. 24-1522 (Apr. 29, 2024).

² On April 29, 2024, an additional petition for review of the Final Rules was filed in the Third Circuit, and the petitioner has moved to transfer the petition to this Court under 28 U.S.C. § 2112. *Pet. for Review and Mot. For Transfer*, Dkt. 3, *Nat'l Ctr. For Pub. Policy Res v. SEC*, No. 24-1814 (3d Cir.). The Commission has conferred with counsel for the petitioner in that case regarding this schedule, and they agree with the below proposal from petitioners in case No. 24-1626.

Filing	Date
Petitioners' opening briefs	Friday, June 7
Briefs for Intervenors supporting Petitioners and Amici supporting Petitioners	Monday, June 17
Respondent's consolidated response brief	Monday, July 29
Briefs for Intervenors supporting Respondent, and Amici supporting Respondent	Thursday, August 8
Petitioners' reply briefs	Monday, August 26

Petitioners in case No. 24-1626 (Texas Alliance of Energy Producers, et al.)

propose a schedule that would move the dates one week later:

Filing	Date
Petitioners' opening briefs	Friday, June 14
Briefs for Intervenors supporting Petitioners and Amici supporting Petitioners	Monday, June 24
Respondent's consolidated response brief	Monday, August 5
Briefs for Intervenors supporting Respondent and Amici supporting Respondent	Thursday, August 15
Petitioners' reply briefs	Tuesday, September 3 (Monday, September 2, is Labor Day)

Petitioners in case No. 24-1628 (Chamber of Commerce, et al.) oppose this alternative schedule. Petitioners in case Nos. 24-1623 (NRDC) and 24-1633 (Sierra Club, et al.) and the state intervenors do not oppose it. As indicated, the Commission has agreed with several groups of petitioners on the schedule indicated above, and it takes no position on this alternative schedule.

The parties will continue to confer and will seek to submit an agreed proposal about the briefing format, including the filing of consolidated briefs and appropriate word limits.

Respectfully submitted,

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/s/ John R. Rady

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May 7, 2024

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 498 words, excluding the parts exempted by Fed. R. App. P. 27(a)(2)(B).

I also certify that this motion complies with the typeface requirements of Fed. R. App. P. 27(d)(1)(E) and 32(a)(5) and the type-style requirements of Fed. R. App. P. 27(d)(1)(E) and 32(a)(6) because it has been prepared in a proportionally spaced typeface—Times New Roman, 14 point—using Microsoft Word.

/s/ John R. Rady
John R. Rady

May 7, 2024